

1 MAGISTRATE JUDGE J. KELLEY ARNOLD  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 UNITED STATES OF AMERICA, ) NO. 06-5082M  
11 Plaintiff, )  
12 vs. ) ORDER GRANTING UNOPPOSED  
13 ALVIN STEVE PENN, ) MOTION TO CONTINUE TRIAL  
14 Defendant. ) DATE  
15 \_\_\_\_\_)

16 Based on the unopposed motion of the defendant to continue the trial date, the  
17 Court makes the following findings of fact and conclusions of law:

- 18 1. The ends of justice served by granting this continuance outweigh the best  
19 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).  
20 2. Proceeding to trial absent adequate time for the defense to prepare would  
21 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i).  
22 3. The defense needs additional time to continue to explore issues related to  
23 trial, including all relevant issues and defenses applicable to the case, which would make  
24 it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself  
25 within the time limits established by the Speedy Trial Act and currently set for this case.  
26 18 U.S.C. § 3161(h)(8)(B)(ii).

//

ORDER GRANTING UNOPPOSED MOTION  
TO CONTINUE TRIAL DATE  
*U.S. v. PENN, 06-5082M*

FEDERAL PUBLIC DEFENDER  
1331 Broadway, Ste. 400  
Tacoma, Washington 98402  
(253) 593-6710

4. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation of his defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

## NOW, THEREFORE,

IT IS HEREBY ORDERED that the trial date is continued from October 2, 2006 to January 8, 2007. The resulting period of delay from October 2, 2006 to January 8, 2007, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

DONE this 19th day of September, 2006.

/s/ J. Kelley Arnold  
J. KELLEY ARNOLD  
UNITED STATES MAGISTRATE JUDGE

## Presented By:

/s/  
Linda R. Sullivan  
Attorney for Defendant